

PLEASE RECORD AND RETURN TO
Susan J. Blackston, City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2004-237

A RESOLUTION OF THE LODI CITY
COUNCIL VACATING A PORTION OF
MAXWELL STREET

WHEREAS, this City Council, acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 15th day of September, 2004, pass and adopt Resolution of Intention No. 2004-190 therein declaring the intention of said City Council to vacate a portion of Maxwell Street located at 1615 South Stockton Street, Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair, and operate lines for public utilities, both publicly and privately owned, in, over, and across said street, and more particularly described as follows, to wit:

A portion of the Northwest quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, City of Lodi, San Joaquin County, California, being more particularly described as follows:

Commencing at the Northeast corner of Lot 4 as depicted on the Map "A.B.T. Industrial Park" as filed in Volume 22 of Maps and Plats, Page 67, San Joaquin County Records; thence South 87°42' West, 19.51 feet along the North line of said Lot 4 to a point on a tangent curve, said point being on the North line of Parcel "A" as depicted on that map filed in Book 7 of Parcel Maps, Page 161, San Joaquin County Records, said point also being the point of beginning; thence Southwesterly 37.82 feet through a curve concave to the Southeast, having a radius of 50.00 feet, to the beginning of a reverse curve concave to the Northwest, having a radius of 60.00 feet; thence Southwesterly 30.16 feet along said curve to a point on a non-tangent curve concave to the Southeast to which the radial bears South 88°36'57" East, 30.00 feet: thence Northeasterly 45.19 feet along said curve; thence North 87°41'60" East, 30.49 feet to the point of beginning.

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form, and manner as required by law as is evidence by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, November 3, 2004, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto: and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, at the November 3, 2004, City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that said portion of Maxwell Street located at 1615 South Stockton Street, Lodi, California is unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that there is hereby abandoned a portion of Maxwell Street located at 1615 South Stockton Street, Lodi, California, as more particularly described above.

Reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair, and operate lines for public utilities, both publicly and privately owned, in, over, and across said street.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the vacation.

Dated: November 3, 2004

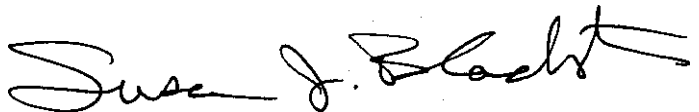
I hereby certify that Resolution No. 2004-237 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 3, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, and Mayor Hansen

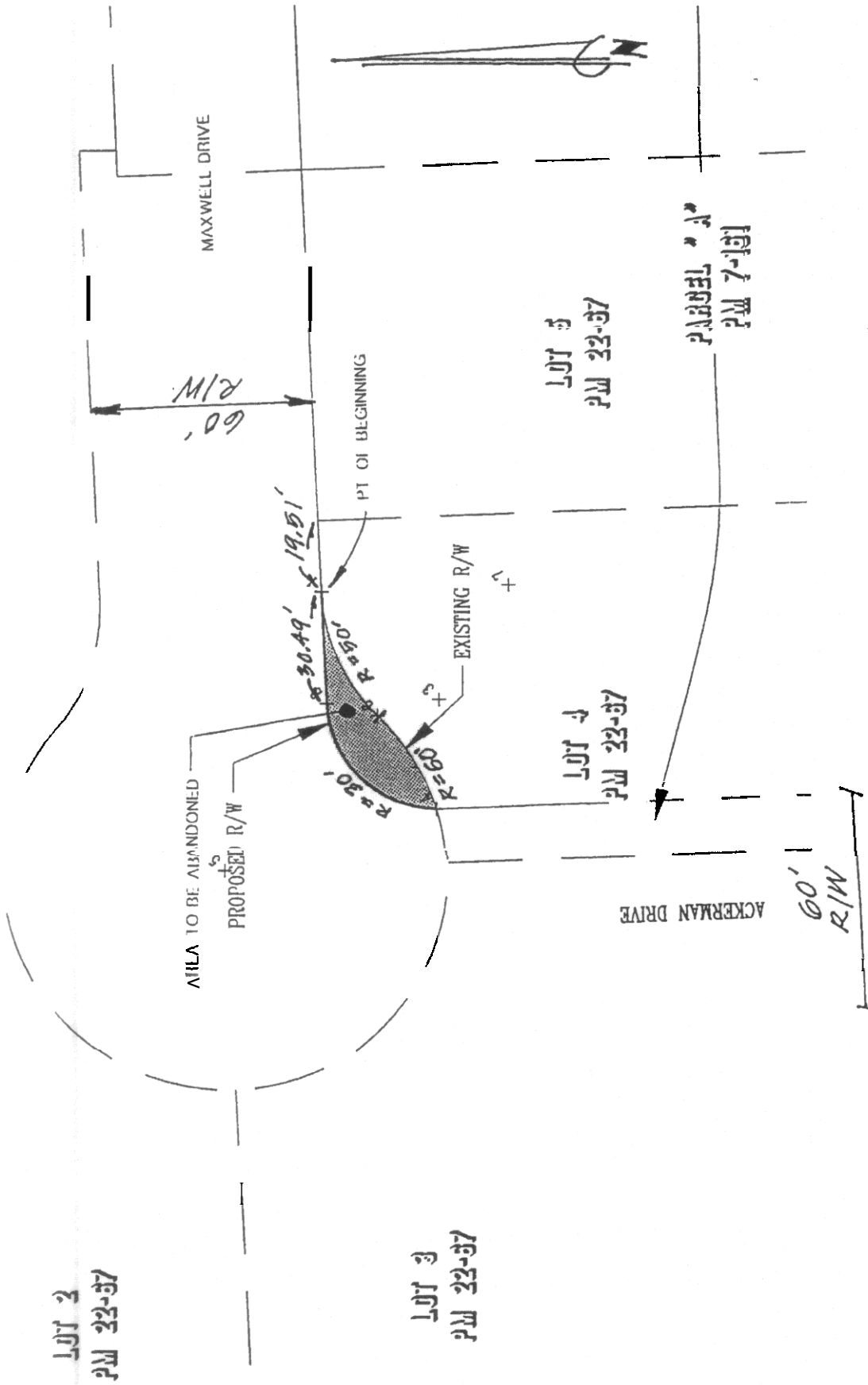
NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Beckman

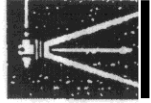
ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk



PREPARED IN THE OFFICE OF:
BAUMBACH & PIAZZA, INC.



CIVIL ENGINEERS
 323 WEST ELM STREET
 LODI, CALIFORNIA 95240

CITY OF LODI ROADWAY ABANDONMENT

BYRON WEISZ PROPERTY

EXHIBIT